

PART 1.

CALIFORNIA BOARD OF PSYCHOLOGY

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

BACKGROUND AND DESCRIPTION OF THE BOARD AND PROFESSION

➔ Short Explanation of the History and Function of the Board.

The California Board of Psychology (board) regulates psychologists, registered psychologists, and psychological assistants. Only licensed psychologists can practice psychology independently in the private sector in California. Registered psychologists are registered to work and train under supervision in non-profit agencies that receive government funding and registered psychological assistants are employed and supervised by a qualified licensed psychologist in private settings.

The profession of psychology is represented by the American Psychological Association (APA), which sets the national practice standards for the profession, and by the California Psychological Association (CPA). Local chapters of these associations exist in most counties of the state.

With the Certification Act of 1958, the psychology profession became regulated in California. While the Certification Act protected the title “psychologist,” it did not take into consideration the interests of the consumers of psychological services. Later, the regulation of the profession evolved when the California Legislature recognized the potential for consumer harm by those practicing psychology and shifted the focus of the regulation of the profession to protection of the public.

This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the practice, and required licensure in order to legally practice. During these early licensing days, the board was an “examining committee” under the jurisdiction of what was then the Division of Allied Health Professions of the Medical Board. During the 1970s, the Psychology Examining Committee gradually became more independent, and began taking responsibility for its own operations including the authority to adopt regulations and administrative disciplinary actions without the endorsement of the Medical Board. The Psychology Examining Committee officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).

Over the past several decades, there have been amendments to the licensing law that have enhanced the board’s ability to protect the public through appropriate discipline of those licensees who violate the licensing law. For example, the board’s ability to appropriately discipline those psychologists found guilty of sexual misconduct was greatly enhanced in 1994 when the Legislature mandated administrative law judges

(ALJs) to issue a penalty for license revocation as part of their proposed decisions in sexual misconduct cases. Appropriate discipline for such acts has been defined by the board as being revocation. The board has adopted this “zero tolerance” philosophy regarding sexual misconduct because revocation is the only way consumers of psychological services can be protected from the psychologist who would engage in such behavior.

The board protects the health, safety, and welfare of consumers of psychological services through its licensing, enforcement, continuing education, and educational outreach programs. These programs promote efficiency and effectiveness by capitalizing on evolving technologies in keeping with the highest professional standards.

The board is dedicated to ensuring that psychologists provide safe and ethical psychological services to consumers. The board’s activities fall into four broad categories:

Licensing and Examination

The board ensures that those entering the profession of psychology possess at least minimal competency to practice psychology independently and safely pursuant to Business and Professions Code (BPC) section 101.6. This is achieved by requiring applicants for licensure to possess an appropriate doctorate degree from an accredited educational institution or from certain California-approved schools and by requiring the completion of a minimum of 3,000 hours of qualifying supervised professional experience. Each license applicant must also pass the national Examination for Professional Practice in Psychology (EPPP) and the California supplemental examination and take additional coursework on mandated topics.

Enforcement

The board’s enforcement program is focused on protecting the consumer population from exploitative, incompetent and potentially dangerous licensees and from unlicensed individuals. The board investigates and mediates consumer complaints. Complaints involving minor concerns may be closed with a verbal or written warning, a competency examination or an educational review. Other more serious complaints may result in disciplinary action (including reprimand, probation, suspension, or revocation) against the licensee. Proven sexual misconduct with a patient results in mandatory license revocation by law. The board has the statutory authority to deny licensure or registration if the applicant is a registered sex offender. The board’s citation and fine program and probation program provide other tools that expand enforcement options. The range of enforcement options for the board is clearly described in the board’s document entitled “*Spectrum of Administrative Actions*” (Appendix A).

Continuing Education

Continued competency of licensees is assured through mandatory continuing education. The law requires licensees to complete 36 hours of continuing education every two years prior to license renewal. The board’s recognized accrediting agency is the California Psychological Association’s (CPA) Mandatory Continuing Education Program Accrediting Agency (MCEPAA). The MCEPAA approves providers and

courses pursuant to the board's regulations. Continuing education courses taken from other board-recognized entities can also be applied toward meeting the requirements. The MCEPAA tracks units of continuing education earned by every psychologist and provides the board with monthly lists of those licensees who are deficient in the continuing education requirements. This process allows the board to conduct a 100 percent audit of all licensees' continuing education. The board also requires every licensee to take a four hour course in laws and ethics every renewal period and ensures compliance with required training in any other specifically mandated courses.

Education and Outreach

The board ensures that information is available for consumers, licensees, registrants, applicants, students, etc., through the board's website, brochures, press releases, on-line verification of licensure and registration, and the board's newsletter, the BOP Update. In addition, the board educates the profession on the latest regulatory and legislative changes through the Internet and through speaking engagements at educational institutions, professional associations and other organizations. Also, every time the board publishes a newsletter, the Laws and Regulations book, or any publication with public interest, the Library Distribution Act requires copies of these publications to be sent to libraries throughout the state and made available for use to the public at no charge.

➡ Current Composition of the Board (Public vs. Professional) and listing of Board Members, who appointed by, when appointed, when terms expire, and whether vacancies exist and for how long.

Like many boards under the Department of Consumer Affairs (DCA), the nine-member board is a mix of licensed and public members. Under current law, the Governor appoints five licensed psychologists and two public members. The Senate Rules Committee appoints one public member and the Speaker of the Assembly appoints one public member. Members are appointed for four-year terms, and no member may serve more than two consecutive terms. There are currently no vacancies on the board. The Governor has the authority to remove any member for negligence, incompetence, or unprofessional conduct.

Board member qualifications are contained in Business and Professions Code (BPC) sections 2920, 2921, 2922 and 2923, and require members to be residents of the state and, except for public members, be licensed psychologists. Public members may not be licensed by any board under the DCA or by any board referred to in the Chiropractic or Osteopathic Act. All members serve at the pleasure of their appointing authority and are subject to the same standards of conduct including financial disclosure, meeting attendance, and conflicts of interest as other boards under the DCA. The board has formulated and adopted a board member attendance and reimbursement policy which is included as Appendix B.

The DCA is mandated by BPC section 453 to provide formal orientation and training for board, committee and commission members. While this orientation and training is designed primarily for new members, any member may attend. New members receive information on the following topics:

- the legislative and regulatory process;
- reimbursement of expenses;
- open meeting laws;
- ethics;
- the disciplinary process/enforcement;
- conflicts of interest;
- examining for competency; and
- executive officers' responsibilities.

The board also conducts in-house orientations for new members and throughout their tenure on the board, members receive “on-the-job training” related to their work on task forces, committees, workshops and panels.

The following is a list of the current membership of the board:

Member's Name	Appointment Type	Appointment Date	Term Expiration Date
Howard Adelman, Ph.D.*	Licensed Member	06/01/02	06/01/07
Ellen S. Graff, Ph.D.*	Licensed Member	09/25/03	06/01/06
Jacqueline Horn, Ph.D.*	Licensed Member	06/01/02	06/01/04
Sylvia Jewell Johnson**	Public Member	08/28/03	08/28/07
James McGhee*	Public Member	09/25/03	06/01/06
Myra Scott Reifman*	Public Member	06/01/02	06/01/04
Ronald Ruff, Ph.D.*	Licensed Member	06/01/02	06/01/04
William Tan***	Public Member	02/01/02	02/01/06
William Thomas, Ph.D.*	Licensed Member	06/01/02	06/01/07

* Appointed by the Governor

** Appointed by the Senate President pro Tempore

*** Appointed by the Speaker of the Assembly

➡ **Describe the Committees of the board and their functions. Provide organization chart.**

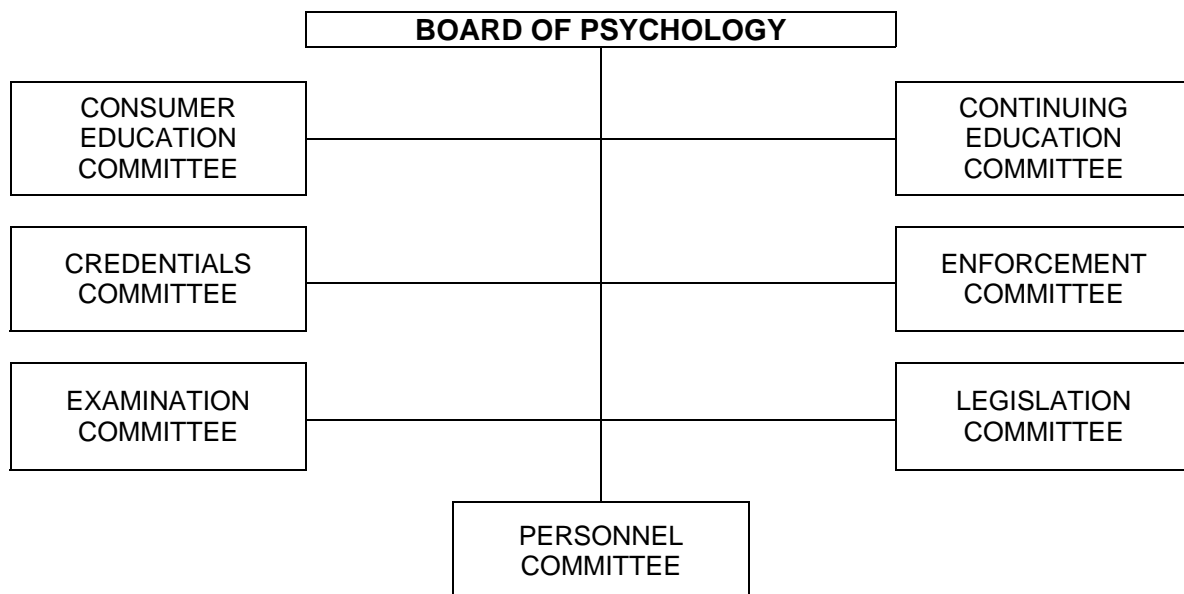
The board makes effective use of committees, which include the following:

- Credentials Committee -- Considers credentials issues such as foreign degrees and plans for alternative supervised professional experience for those who do not practice in mental health settings.
- Examination Committee -- Works with the DCA Office of Examination Resources (OER) to assure continued validity of the licensing examinations, to develop items for the California supplemental examination, and considers requests for waiver of examinations and reasonable accommodations.
- Enforcement Committee -- Provides oversight for enforcement policy issues. This committee also reviews and recommends revisions to the board's Disciplinary Guidelines, and reviews and recommends proposals from licensees to serve as experts in disciplinary matters.

- Legislation Committee -- Reviews and track legislation that affects the board, consumers and the profession, and recommends positions on legislation for full board consideration.
- Personnel Committee -- Conducts an annual evaluation of the executive officer's performance.
- Consumer Education Committee -- Develops newsletters and publications for consumers and the public.
- Continuing Education Committee -- Reviews continuing education policies, recommends regulation changes to keep the board's continuing education program consistent with the evolution of the profession, and considers requests for exemption, exception, and reasonable accommodation.

Committee meetings are always included as part of each of the board's quarterly meetings. During these committee meetings, recommendations are formulated to be presented to the full board for action. Committees are usually composed of board members, but occasionally, a committee appointment may be a non-board member such as a staff person with specialized expertise on a topic under review by the committee. Committee meetings are open to the public.

An organizational chart of the board's committee structure is provided below:



➡ Who the board Licenses, Titles, Regulates, etc. (Practice Acts vs. Title Acts)

As previously stated, the profession of psychology has been regulated in California since the 1958 Psychology Certification Act. This act protected the title "psychologist," however, it did not define or enforce the practice of psychology. In 1967 the Legislature recognized the potential for consumer harm that can result from the unlicensed, unqualified or incompetent practice of psychology. It was at this time that the Legislature enacted the Psychology Licensing Law.

The board's licensing program has been developed to ensure that those applicants who are issued licenses are at least minimally competent to practice psychology independently with safety to the public. This board responsibility is set forth in BPC section 101.6. Further, through its mandatory continuing education program, the board ensures that licensees maintain an appropriate level of knowledge of current trends, techniques and advances in the profession. In addition to the more than 17,000¹ licensed psychologists, the board regulates approximately 1,350 registered psychological assistants and 450 registered psychologists who are typically on a pathway gaining professional experience to apply toward meeting psychology licensing requirements.

Each year, the board receives and processes approximately 800 applications for licensure as a psychologist, 750 applications for psychological assistant registration and 300 applications for registered psychologist. Each year, the board issues approximately 775 psychologist licenses, approximately 675 psychological assistant registrations and approximately 275 registered psychologist registrations.

Prior to being issued a license, the board requires applicants for licensure to possess a doctoral degree in psychology from an accredited or approved educational institution and to have completed 3,000 hours (2 years) of supervised professional experience. In addition, the board requires all applicants to take and pass the national written examination entitled the *Examination for Professional Practice in Psychology* (EPPP). The board also develops and administers the *California Jurisprudence and Professional Ethics Examination* (CJPEE) which all applicants must take and pass. Each year, approximately 850 California candidates take the EPPP and approximately 750 applicants take the CJPEE. The pass rate on the EPPP is approximately 65% and the pass rate on the CJPEE is approximately 93%.

➡ **Any major changes to the board since the last review. (Internal changes, strategic planning, regulatory changes or recent legislation, etc.)**

The following list includes sixteen major changes since the last sunset review:

1. Consumer complaint form available online effective April 1998
2. Development and implementation of the CJPEE became effective January 1999
3. Assumed probation monitoring responsibility from the Medical Board of California (MBC) in 2000
4. Online license verification lookup available to consumers effective April 2000
5. AB 400, among other things, eliminated the equivalency provision regarding the doctoral degree required for licensure effective January 1, 2001
6. SB 1554 (Chapter 836, Statutes of 2000) made specific the following changes:

¹ Includes both active and inactive licenses.

- BPC section 2969 added penalties for failure to provide medical records and for failure to comply with court orders and became effective January 1, 2001
 - BPC section 2960 was corrected to include prohibition of sex with former patients within two years following termination of therapy became effective January 1, 2001
7. Mandated laws and ethics course every two years for all licensees effective January 1, 2001
 8. Transitioned from the paper/pencil version of the EPPP to the computer administered EPPP effective September 1, 2001
 9. Allowed applicants for licensure to take the EPPP upon receiving the doctoral degree and completing 1,500 hours of supervised professional experience effective September 1, 2001.
 10. Elimination of the board's Oral Examination effective January 1, 2002
 11. Online licensing for initial and renewal license for psychologists effective 2002
 12. Applications available online effective 2002
 13. Mandated supervision course every two years for those licensees who supervise trainees effective January 1, 2003
 14. Assumed complaint processing responsibility from MBC effective July 2003
 15. Established a toll-free complaint line for consumers effective July 2003
 16. AB 1669 (Chu) (Chapter 777, Statutes of 2003) mandated requirements for licensees who evaluate peace officer's emotional and mental health or performing peace officer fitness for duty evaluations in 2004 (becomes effective January 1, 2005)

➡ Any major studies conducted by the board. [Please provide copy of any documents or reports produced by or under the direction of the board.]

The issue of human diversity enters into every aspect of daily living in California. Most certainly, mental health professionals encounter issues of human diversity throughout their training and throughout their practices once licensed. To explore creative ways in which the board can facilitate a highly conscientious culture with regard to human diversity among psychologists, the board's Continuing Education Committee assembled an email-based workgroup to study the issues. The report of this workgroup is attached as Appendix C.

Additionally, the board's Credentials Committee convened a panel of training experts to review the board's regulations for supervised professional experience. The committee reviewed criteria for supervised professional experience from other states, from organizations such as the Association of State and Provincial Psychology Boards (ASPPB), the Association of Postdoctoral Psychology Internship Centers (APPIC), the

California Psychology Internship Council (CAPIC), the American Psychological Association (APA) and the California Psychological Association (CPA). The product of this collaborative study of training in the profession of psychology resulted in additions and amendments to the California Code of Regulations (CCR), Title 16, section 1387. The proposed changes and additions to this section of regulations have produced innovative approaches to the training of psychologists which will serve to eliminate board micromanagement of the supervised experience and to ensure quality training. The board's efforts in this regard have received strong support from training organizations and professional associations throughout California. The supervision regulation language is attached as Appendix D.

Finally, through the support of the OER, the board has overseen numerous studies of its examinations and of the national occupational analysis for the profession of psychology. These studies have resulted in the board's licensing examinations being in compliance with BPC section 139.

➔ **Licensing Data. What information does the board provide regarding the licensee (i.e., education completed, awards, certificates, certification, specialty areas, etc.)? [See Table Below]**

The board provides public information regarding its licensees and registrants to individuals who request information. The public information includes the name, license number, address of record, license status, license issue and expiration dates, educational information, information regarding any citations and fine orders issued, settlement and/or arbitration awards and whether an accusation has been filed or disciplinary action has been taken against the licensee. In addition, the board maintains a license verification feature on its website that can be used directly by consumers to verify much of the same information.

The following provides licensing data for the past four years:

LICENSING DATA FOR LICENSED PSYCHOLOGISTS	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Licensed Psychologists	Total: 12564	Total: 13525	Total: 14173	Total: 14608
Applications Received	Total: 685	Total: 962	Total: 750	Total: 816
Applications Denied	Total: 10	Total: 7	Total: 1	Total: 9
Licenses Issued	Total: 651	Total: 949	Total: 740	Total: 568
Renewals Issued	Total: 6340	Total: 6814	Total: 5688	Total: 7454
Statement of Issues Filed	Total: 4	Total: 8	Total: 4	Total: 0
Statement of Issues Withdrawn	Total: 2	Total: 0	Total: 0	Total: 0
Licenses Denied	Total: 0	Total: 0	Total: 4	Total: 1
OTHER LICENSURE CATEGORIES (If Applicable)	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Licensees (By Type)				
Psychological Assistant	Total: 761	Total: 1723	Total: 1198	Total: 1345
Registered Psychologist	Total: 307	Total: 500	Total: 449	Total: 436
Licenses Issued (By Type)				
Psychological Assistant	Total: 747	Total: 685	Total: 640	Total: 621
Registered Psychologist	Total: 295	Total: 306	Total: 260	Total: 286
Renewals Issued (By Type)				
Psychological Assistant	Total: 1225	Total: 1174	Total: 1017	Total: 997
Registered Psychologist	Total: n/a	Total: n/a	Total: n/a	Total: n/a
(Notes) * Includes active licenses only. Out-of-state data is not available.				

BUDGET AND STAFF

Current Fee Schedule and Range

- ➡ **Discuss which fees are the main source of revenues, when renewal is required, date of last fee(s) adjustment, and if any plans to increase fees and for what reasons. List all fees.**

The board is a special fund agency whereby all revenue is generated from its fees. The board's main source of revenue is from its applicants, licensees, and registrants through the collection of application, renewal, registration and examination fees. It is through these fees that the board is able to support the enforcement, licensing, examination, and administration programs. These programs provide for, among other things, the processing and issuing of licenses, enforcing board statutes, pursuing disciplinary actions, mediating consumer complaints, printing and distributing publications, consumer education, student outreach, personnel, and other operating expenses.

Renewal fees are due and payable biennially based on the licensees' birth month. Psychological assistant registrations are renewed annually on January 31st of each year. All other fees, including those for initial licensure, are received and processed on an on-going basis.

The last fee adjustment by the board, effective July 1, 2000, reduced the initial and renewal license fee for psychologists from \$475 to \$400. The board has no plans to increase any fee in the foreseeable future.

Fee Schedule	Current Fee	Statutory Limit
Application Fee (Psychologist)	\$40	\$50
Application Fee (Psych. Assistant)	\$40	\$75
Initial License Fee (Psychologist)	\$400	\$500
EPPP Fee	\$500	n/a
CJPEE Fee	\$129	Actual cost to Board
Biennial Renewal Fee (Psychologist)	\$410*	\$500
Annual Renewal Fee (Psych. Assistant)	\$40	\$75
Delinquent Fee (Psychologist)	\$25	\$25
Duplicate License Fee	\$5	\$5
Delinquent Fee (Psychological Assistant)	\$20	\$25
<p>* NOTE: On September 20, 2003, Governor Davis signed into law AB 938 (Chapter 437, Statutes of 2003) authored by Assembly Member Leland Yee, Ph.D. For some time now, existing law has required the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation (HPEF) to perform various duties with respect to implementing health professions scholarship and loan programs. AB 938 established the <i>Licensed Mental Health Service Provider Education Program</i>. This bill requires the HPEF to develop a prescribed program to provide grants to licensed mental health service providers who provide direct patient care in a publicly funded facility or a mental health professional shortage area. To fund this effort, AB 938 has added section 2987.2 of the BPC which reads: "In addition to the fees charged (to licensed psychologists) pursuant to section 2987 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund."</p>		

Revenue and Expenditure History

➔ Provide brief overview of revenues and expenditures.

Comparison of Revenues and Expenditures: [See Table Below]

It is anticipated that the board's revenues and expenditures will generally remain stable in upcoming years. There was, however, a decrease in expenditures for the examination contract line item in the board's budget in FY 02-03 and FY 03-04. This was due to the examination fee for the national EPPP no longer being collected by the board. The applicants now pay the examination fee of \$500 directly to the examination vendor (Professional Examination Services). To realize this reduction in expenditures, the board submitted a Budget Change Proposal in FY 02-03 to reduce the examination contract costs by \$122,000 in FY 02-03 and \$365,000 in FY 03-04 and ongoing.

The board's revenues and expenditures for the last four fiscal years and projections for the next two fiscal years are shown below.

REVENUES	ACTUAL				PROJECTED	
	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
Licensing Fees	3,069,753	3,364,528	3,136,736	2,877,129	3,315,500	3,315,500
Fines & Penalties	12,345	12,620	11,125	14,150	13,250	12,475
Other	7,804	7,443	7,368	6,382	8,925	8,925
Interest	274,558	176,755	57,501	20,969	24,553	36,833
TOTALS	3,364,460	3,561,346	3,212,730	2,928,630	3,362,228	3,373,733
EXPENDITURES	ACTUAL				PROJECTED	
	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
Personnel Services	677,952	743,870	826,896	807,061	855,136	873,006
Operating Expenses	1,938,082	2,386,058	2,168,931	1,544,713	1,982,864	2,020,734
(-) Reimbursements	(90,380)	(150,744)	(126,309)	(105,533)	(51,000)	(51,000)
(-) Distributed Costs	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	2,525,654	2,979,184	2,869,518	2,246,241	2,787,000	2,842,740

Expenditures by Program Component

➔ Discuss the amounts and percentages of expenditures made by program components.

During the last four years, the board has spent 43% of its budget on the enforcement program, 22% on the examination program, and 17% on the licensing program. The board's administrative expenses account for approximately 18% of its expenditures over the four years. As noted above, the significant decrease in the examination program component for FY 03-04 is due to the applicant no longer paying the national examination fee to the board. [See Table Below]

EXPENDITURES BY PROGRAM COMPONENT	FY 00-01	FY 01-02	FY 02-03	FY 03-04	Average % spent by Program
Enforcement	1,123,975	1,259,352	1,403,852	1,002,368	43%
Examination	635,130	995,493	667,161	174,196	22%
Licensing	440,151	437,539	405,378	587,607	17%
Administrative	416,778	437,544	519,436	587,603	18%
Diversion (if applicable)	n/a	n/a	n/a	n/a	n/a
Reimbursements	(90,380)	(150,744)	(126,309)	(105,533)	
TOTALS	2,525,654	2,979,184	2,869,518	2,246,241	

Fund Condition

- ➡ **Discuss reserve level, spending trends, and if a mandated statutory reserve level exists. Also, whether deficit may occur and whether fee increase or reductions is appropriate.**

Historically, the board has maintained a prudent reserve to meet future potential cost increases, address unforeseen contingencies, and bridge the gap between expenditures and unexpected declines in revenue. During the state's budget shortfall in FY 02-03, the board loaned \$5,000,000 of its \$5,600,000 reserve to the General Fund to help address the state's budget deficit. Prior to this loan, the board was pursuing the rulemaking process to reduce by regulation the biennial renewal fee to from \$400 to \$200. This rulemaking file was withdrawn given the balance of the fund after the General Fund loan.

There is no statute requiring the board to maintain a minimum fund balance, however, a fund reserve of approximately 3 to 6 months is considered fiscally prudent by the DCA. The board's FY 03-04 ending fund balance of \$1,588,454 is equivalent to 6.8 months reserve. At the current revenue level, and if such a trend continues, the board will realize a reserve of almost 10 months in FY 05-06 and an 11.5 month reserve in FY 07-08. To keep in line with the DCA recommended fund reserve of 3 to 6 months, the board will consider proposing regulations to lower the biennial renewal in the next fiscal year.

- ➡ **Comparison of Revenues, Expenditures, and Reserves: [See Table Below]**

ANALYSIS OF FUND CONDITION	FY 02-03	FY 03-04	FY 04-05 (Budget Yr)	FY 05-06 (Projected)	FY 06-07 (Projected)	FY 07-08 (Projected)
Total Reserves, July 1	5,520,336	906,194 ³	1,588,454	1,931,908	2,283,436	2,585,140
Total Rev. & Transfers	(1,787,270) ¹	2,928,630	3,130,454	3,194,268	3,201,299	3,207,333
Total Resources	3,733,066	3,834,824	4,718,908	5,126,176	5,484,735	5,792,473
Total Expenditures	2,869,648 ²	2,246,370 ⁴	2,787,000	2,842,740	2,899,595	2,957,587
Reserve, June 30	863,418	1,588,454	1,931,908	2,283,436	2,585,140	2,834,886
MONTHS IN RESERVE	4.6	6.8	8.2	9.5	10.7	11.5

¹Includes \$5,000,000 loan to the General Fund in FY 02/03.

²Includes \$130 SCO charge for FY 02/03 that is not included on expenditures in other two charts.

³Beginning balance of FY 03/04 does not tie to ending balance of FY 02/03 due to a \$42,776 prior year adjustment reflected in the FY 03/04 beginning balance.

⁴Includes \$129 SCO charge for FY 03/04 that is not included on expenditures in other charts.

LICENSURE REQUIREMENTS

Education, Experience and Examination Requirements

- ➡ **Discuss education, experience and examination requirements for all licensure categories which the board regulates.**

The board regulates psychologists, registered psychologists and registered psychological assistants.

PSYCHOLOGIST:

The purpose of the board's licensing program is to ensure that licensed psychologists possess at least minimal competency necessary to practice safely through its application and qualification standards. Applicants for licensure/registration receive information from the board in person, over the phone, through the board's website or by mail. A copy of the application packet is included as Appendix E and the Laws and Regulations Relating to the Practice of Psychology are included with board's brochures as Appendix F. Through contact with the board's office, applicants receive personal guidance from board staff. All applicants for licensure as a psychologist must meet the following criteria before being eligible for licensure:

Doctoral degree in:

- psychology,
- educational psychology,
- education with a field of specialization in counseling psychology, or
- education with a field of specialization in educational psychology from an accredited or approved educational institution. (BPC section 2914)

Two years of supervised professional experience under the direction of a qualified supervisor, at least one year of which shall be completed after the award date of a qualifying doctoral degree. CCR, Title 16, section 1387 defines one year of supervised professional experience as at least 1,500 hours that must be accrued within 30 consecutive months. (BPC section 2914)

Take and pass the national examination (EPPP).

Take and pass the California supplemental examination (CJPPE).

Human Sexuality Course Requirement. All applicants must submit evidence of compliance with this requirement. (CCR, Title 16, section 1382)

Child Abuse Course Requirement. All applicants must submit evidence of compliance with this requirement. (CCR, Title 16, section 1382.4)

Detection and Treatment of Alcohol and Other Chemical Substance Dependency Course Requirement. All applicants who started graduate training on or after September 1, 1985 must show evidence of this training. (CCR, Title 16, section 1382.3)

Spousal or Partner Abuse Assessment, Detection and Intervention Course Requirement. All applicants who began graduate training between January 1, 1995 and December 31, 2003 must show evidence of completing at least two hours of coursework in this area. All applicants who started graduate training on or after January 1, 2004 must show evidence of completing at least 15 hours of coursework in this area. (BCP section 2914(f))

Aging and Long Term Care Course Requirement. All applicants who started graduate training on or after January 1, 2004 must show evidence of this training. (BPC section 2915.5)

DOJ and FBI fingerprint clearance.

REGISTERED PSYCHOLOGIST:

Registered psychologists must be employed by a non-profit community agency that receives a minimum of 25 percent of its funding from government sources. Registered psychologists are registered directly to the agency and provide psychological services under the supervision of a licensed psychologist. The registered psychologist registration is a two-year, non-renewable registration. There is no examination requirement for this registration. All applicants for registration as a psychologist must meet the following criteria before being eligible for registration:

Doctoral degree in:

- psychology,
- educational psychology,
- education with a field of specialization in counseling psychology, or
- education with a field of specialization in educational psychology from an accredited or approved educational institution. (BPC section 2914)

One year of supervised professional experience under the direction of a qualified supervisor. CCR, Title 16, section 1387 defines one year of supervised professional experience as at least 1,500 hours that must be accrued within 30 consecutive months. (BPC section 2914)

DOJ and FBI fingerprint clearance.

REGISTERED PSYCHOLOGICAL ASSISTANT:

Psychological assistants are registered to provide psychological functions under the supervision of a licensed psychologist or board-certified psychiatrist. Supervisors of psychological assistants can also be named as the psychological assistant's registered employer at a private setting. However, psychological assistants that are employed by a psychological or medical corporation, psychology clinic, or Bronzan-McCorquodale clinic are registered to that entity as an employee. In such situations, it would also be required that a licensed psychologist or board-certified psychiatrist be on site and serve as the psychological assistant's supervisor. All psychological assistant registrations expire on January 31 each year, and must be renewed in order for the assistant to continue to provide psychological functions under supervision. There is no examination requirement for this registration. All applicants for registration as a psychological assistant must meet the following criteria before being eligible for registration:

Master's degree in:

- psychology,
- education with a field of specialization in psychology, or
- education with a field of specialization in counseling psychology, or

Admitted to candidacy for a doctoral degree in psychology or in education with a field of specialization in psychology or counseling psychology after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or
Doctoral degree that qualifies for licensure as a psychologist from an accredited or approved educational institution. (BPC section 2913)

DOJ and FBI fingerprint clearance.

➔ **What does the Board do to verify information provided by the applicant regarding education and experience? What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**

The board requires all applicants to have official transcripts sent directly from the educational institutions where each degree was obtained. Supervised professional experience is verified on Verification of Experience forms that are signed under penalty of perjury and submitted directly to the board by each primary supervisor. When these forms are reviewed by staff, they are also scrutinized to ensure that proper registrations were in place at the time the hours were worked and the hours are cross-verified with the logs that the trainees are required to maintain pursuant to section 1387.5 of the Code of Regulations.

All applications received by the board are cleared through the Disciplinary Data Bank of the ASPPB. This clearance ensures that the applicant has not been the subject of license discipline in other states, territories or provinces.

All applicants for licensure or registration must be fingerprinted through Livescan.² This fingerprinting process lets the board know if the applicant has had any criminal arrests or convictions. Further, the board is notified of any subsequent arrests or convictions. The fingerprint information is obtained from both the California Department of Justice and the Federal Bureau of Investigation.

➔ **Discuss passage rates for all examinations, whether there is legitimate justification for all exams, whether exams have had an occupational analysis performed and been validated and when, and the date of the next scheduled occupational analysis for each exam.**

The board requires candidates to take and pass two written examinations: the EPPP and the CJPEE. The EPPP, a computer administered national examination is anchored on a national occupational analysis which is conducted by the ASPPB. It is anticipated that the next full occupational analysis will be conducted by the ASPPB within five years. An update to the existing analysis was completed Fall 2003. The original CJPEE exam plan is based on the same national practice analysis and updates to the CJPEE are based on updates to the national practice analysis. OER monitors all issues related to the validity of the board's examinations and the updates to the occupational analysis as they apply to the board's examinations.

The board requires passage of two examinations because the occupational analysis process has determined that the national examination does not adequately measure the knowledge and skills necessary to meet minimum acceptable competency standards to practice as a psychologist in the State of California. For example, the national examination does not sufficiently evaluate knowledge of California law as it pertains to

² Livescan is a technology that allows applicants to have their fingerprint cards electronically scanned and transmitted. Using the Livescan system, the board receives results in usually less than a week if no criminal record is found.

the profession of psychology. Therefore, the CJPEE primarily focuses on measuring knowledge and skills not addressed in the EPPP.

OER advises that passage rates on the board's examinations are acceptable considering the minimum qualifications for the psychology profession. That is, the passage rates are higher than typical licensed professions because of the minimum qualifications, which include a doctoral degree and supervised professional experience. The occupational analysis, however, continues to demonstrate the critical knowledge and skills that must be mastered at the time of licensure and the need to regulate the profession. Because the profession works directly with consumers, often during very vulnerable times in their lives, entry-level standards must be evaluated and met before licensure is granted. The licensure process works as a mechanism to license persons who have demonstrated at least the minimum knowledge and skills necessary to practice safely and independently, protecting the consumers of California from incompetent practitioners.

- ➔ **Comparison of exam passage rates for all candidates for both a national exam (if applicable) and/or a California state exam(s) if provided: [See Tables Below]**

Examination for the Professional Practice of Psychology				
YEARS	NATION-WIDE		CALIFORNIA ONLY	
	TOTAL CANDIDATES	PASSAGE RATE	TOTAL CANDIDATES	PASSAGE RATE
2000/01	4,133	*	748	59%
2001/02	2,896	*	690	71%
2002/03	3,630	*	837	65%
2003/04	4,216	*	908	58%
*NOTE – The nation-wide passage rate for the EPPP is not available as each state and province determines their own passing scores.				

California Oral Examination				
	2000/01	2001/02	2002/03	2003/04
CANDIDATES	1,100	N/A	N/A	N/A
PASS %	61%	N/A	N/A	N/A
NOTE: The June 2001 Oral Examination was the last oral examination administered.				

California Jurisprudence and Professional Ethics Examination				
	2000/01	2001/02	2002/03	2003/04
CANDIDATES	N/A	692	835	910
PASS %	N/A	99%	86%	85%
NOTE: The California Oral Examination was discontinued and the CJPEE was implemented effective January 1, 2002.				

- ➔ **Discuss any increase or decrease in average time to process applications, provide exam and issue license. [See Table Below]**

AVERAGE DAYS TO RECEIVE LICENSE	FY 2000/01	FY2001/02	FY 2002/03	FY 2003/04
Application to Examination	190	228	259	712
Examination to Issuance	77	23	37	36
Total Average Days	267*	251*	296*	748*
* Total average days shown reflects the time from receipt of the application until being scheduled for the first examination (EPPP) and then from passing the second examination (CJPEE) until the date of initial license issuance. Multiple repeats of examinations are not reflected.				

All applicants for licensure as a psychologist must document that they possess a qualifying doctoral degree and that they have accrued the minimum number of hours of qualifying supervised professional experience before they qualify to be scheduled for an examination. To qualify to be scheduled for the EPPP, applicants must accrue a minimum of 1,500 hours of qualifying supervised professional experience. To qualify to be scheduled for the CJPEE, applicants must have successfully passed the EPPP and accrue a minimum of 3,000 hours of qualifying supervised professional experience. Applicants are allowed 30 consecutive months to accrue each block of 1,500 hours of experience.

Frequently, an applicant will submit an application upon receiving their doctoral degree although they are still in the process of accruing the necessary hours of supervised professional experience. These candidates cannot be scheduled for an examination until the hours are accrued, documented by the primary supervisor(s), and approved by board staff. There are times when board staff must deny hours of supervised professional experience because the hours accrued do not meet the requirements of the laws and regulations. In these situations, the application is held in a pending status until the necessary hours are accrued, documented by the primary supervisor(s), and approved by board staff.

Once the CJPEE has been passed, the applicant must complete the Request for Initial License form and submit it to the board along with the required initial licensure fee in order to receive their license. In addition, applicants must also document that they have taken all required supplemental courses (i.e. Human Sexuality, Child Abuse Assessment, etc.) before they qualify to be issued a license. While the majority of applicants take the required courses as part of their doctoral degree, many wait until all examinations are passed before taking them. This may delay the date of their license issuance depending on when they choose to take such courses.

Continuing Education/Competency Requirements

- ➔ **Discuss briefly: changes made by the Board since last review to assure competency. How does the Board verify CE or other competency requirements? [See Table on Next Page]**

Since the board's last review, the following changes have been made to its continuing education requirements:

EFFECTIVE DATE	CCR SECTION(S) AFFECTED	DESCRIPTION OF CHANGE
05/30/1998	1397.61 1397.62 1397.63 1397.65	<ul style="list-style-type: none"> Eliminated the one-time renewal requirement for a course in the detection and treatment of alcohol and other substance abuse since all current licensees had complied with the requirement at their last renewal, and all new licensees must take such a course as a prerequisite for licensure. Broadened the acceptability of courses sponsored by the American Psychological Association Allowed an exemption for those psychologists who are licensed in California but reside in another state.
12/24/1999	1397.60 1397.61 1397.62 1397.63 1397.64 1397.65 1397.68	<ul style="list-style-type: none"> Defined the terms “conferences,” “grand rounds,” and “in-service training programs.” Provided an explicit definition of distance learning.
08/05/2001	1397.71	<p>Set forth the grounds and procedure for the denial, suspension, placing on probation with terms and conditions, or revocation of the approval of a continuing education provider if the provider:</p> <ul style="list-style-type: none"> Is convicted of a felony or misdemeanor substantially related to the activities of an accreditation agency approved provider Fails to comply with any provision of the Psychology Licensing Law or regulations adopted pursuant thereto in Division 13.1 of Title 16 (commencing with section 1380) of the CCR. Fails to comply with the statutes and regulations of another healing arts board if the provider holds a license issued by that agency Makes a material misrepresentation of fact in information submitted to the board recognized accreditation agency or to the board Fails to comply with provisions of the Psychology Licensing Law (BPC Section 2900 et. Seq.), or the regulations adopted pursuant thereto in Division 13.1 of Title 16 (commencing with section 1380) of the CCR, applicable to continuing education providers.
01/01/2002	1397.61 1397.64 1397.65	<ul style="list-style-type: none"> Broadened the acceptability of courses sponsored by the APA. <p>Allowed acceptance of continuing medical education courses towards a licensed psychologist’s continuing education requirements if the courses are specifically applicable and relevant to the practice of psychology.</p>

08/20/2003	1397.62	Granted a continuing education exception to psychologists working in experimental and research settings who do not provide direct delivery services to clients or patients, clinical or otherwise, and who have indicated to the board that there is an extreme lack of qualifying continuing education courses that are relevant to their practice. The exception would permit board acceptance of courses that are not approved by the APA, MCEPAA, or accepted for continuing medical education, rather than granting an exemption from completing continuing education entirely.
10/02/2003	1397.61	<ul style="list-style-type: none"> Added defined criteria pursuant to which an entity may be recognized by the board to perform an accrediting function.
TBD	1397.61	<ul style="list-style-type: none"> Adopted new subsection (c) which established criteria, mandated by SB 564, Chapter 481, Statutes of 2002, to require all licensees renewing their license after January 1, 2004 to take a course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Adopted new subsection (d) which established criteria, mandated by SB 953, Chapter 541, Statutes of 2002, to require all licensees renewing their license after January 1, 2005 to take a course in the biological, social, and psychological aspects of aging and long-term care.
TBD	1397.60	<ul style="list-style-type: none"> Increased the number of hours of continuing education allowed to be accrued via distance learning technologies (i.e. Internet, CD-ROM, satellite downlink, home study, etc.) from 8 hours to 18 hours.
TBD	1397.62	<ul style="list-style-type: none"> Allows an exemption from continuing education requirements for licensed psychologists in active military service regardless of location or amount of time in active military service. Prior regulations allowed an exemption only for those psychologists in active military service who were stationed outside California for at least one year.

The MCEPAA is the approved entity to administer the board's continuing education program. It is solely responsible for tracking the continuing education accrued by all licensed psychologists in California. If the course taken by a licensee is MCEPAA approved, then the course gets reported directly to MCEPAA by the provider of the course. If the course is not MCEPAA approved (i.e. APA, CME, etc.), the licensee is responsible for reporting the course to the MCEPAA.

MCEPAA provides monthly computer-generated reports to the board. These reports list the names and license numbers of all licensees who are deficient in continuing education credits upon their license expiration. The board conducts a 100% audit by contacting each deficient licensee to notify him or her of the deficiency and then continues to monitor the situation until compliance is obtained.

Comity/Reciprocity With Other States

- ➡ **Discuss briefly: temporary licensing process, or any other methods used to facilitate licensing of those from other states or foreign countries. Any anticipated changes or changes made since last review?**

BPC section 2946 allows a person licensed as a doctoral level psychologist in another state or province to practice psychology in California for up to 180 days from the time they make application for license or from the commencement of residency in California, whichever first occurs. Additionally, BPC section 2912 allows persons licensed in another state or province to provide psychological services in California for 30 days in any calendar year without obtaining a California license.

BPC section 2946 also requires the board to issue a license to any person who has been licensed in another state or province for at least five years and who passes the board's CJPEE. The state or province in which the applicant has been licensed must have "substantially equivalent" licensing requirements for this section to be applicable.

Other options exist to facilitate mobility of licensed psychologists throughout North America. ASPPB offers the Certificate of Professional Qualification (CPQ). This process was established to facilitate mobility through the recognition of the CPQ by psychology licensing boards. The CPQ documents that the individual holding the certificate has met specific requirements relative to his or her educational background, supervised professional experience, and performance on the EPPP. The CPQ also documents that the holder has been licensed based on a doctoral degree for at least five years by an ASPPB member jurisdiction and has never had disciplinary actions taken against the license.

Another similar option to facilitate licensure among jurisdictions is the National Register of Health Service Providers in Psychology (NRHSPP) credential. CCR, Title 16, section 1388.6(d) was added on September 6, 2003, to recognize this credential to facilitate licensure in California for those licensed at the doctoral level in other states who hold this certificate. This certificate documents the same information that is documented by the CPQ.

Both the CPQ and the NRHSPP certificate facilitate easy documentation of both educational credentials and supervised professional experience inasmuch as such documentation is obtained, verified and banked by either ASPPB or NRHSPP in order to obtain either certificate.

ENFORCEMENT ACTIVITY

ENFORCEMENT DATA	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Inquiries	Total: N/A	Total: N/A	Total: N/A	Total: 1,943*
Complaints Received (Source)	Total: 581	Total: 575	Total: 701	Total: 448
Public	396	407	508	346
Licensee/Professional Groups	23	35	27	20
Governmental Agencies	20	14	44	68
Other	142	119	122	14
Complaints Filed (By Type)	Total: 583	Total: 575	Total: 701	Total: 448
Competence/Negligence	119	99	90	42
Unprofessional Conduct	234	267	271	256
Fraud	3	11	12	5
Health & Safety	0	0	0	0
Unlicensed Activity	104	74	55	56
Personal Conduct	N/A	N/A	N/A	N/A
Substance Abuse	5	8	8	7
Non-jurisdictional	13	17	142	11
Sexual Misconduct	27	21	14	9
Discipline in Another State	1	0	5	1
Criminal Action Taken	14	14	41	17
Other	63	79	63	44
Complaints Closed	Total: 489	Total: 590	Total: 714	Total: 435
Investigations Commenced	Total: 186	Total: 203	Total: 140	Total: 108
Compliance Actions	Total: 89	Total: 87	Total: 110	Total: 67
ISOs & TROs Issued**	0	0	0	4
Citations and Fines	45	53	60	36
Public Letter of Reprimand	1	1	0	1
Cease & Desist/Warning	10	11	4	16
Referred for Diversion	N/A	N/A	N/A	N/A
Compel Examination	2	0	2	0
Educational Letters	31	22	44	10
Referred for Criminal Action	Total: 10	Total: 5	Total: 2	Total: 5
Referred to AG's Office	Total: 44	Total: 47	Total: 41	Total: 31
Accusations/S/I's Filed	27	33	29	19
Accusations/S/I's Withdrawn	4	3	2	6
Accusations Dismissed	0	1	1	1
Stipulated Settlements	Total: 17	Total: 18	Total: 14	Total: 13
Disciplinary Actions	Total: 21	Total: 22	Total: 12	Total: 17
Revocation	1	4	3	2
Voluntary Surrender	8	5	2	6
Suspension Only	0	0	0	0
Probation with Suspension	0	1	0	1
Probation	12	12	7	11
Probationary License Issued	N/A	N/A	0	N/A
Licenses Denied	0	0	4	1
Probation Violations***	Total: 2	Total: 2	Total: 0	Total: 0
Suspension or Probation	0	1	0	0
Revocation or Surrender	2	1	0	0
Penalty Relief				
Petition for Penalty Relief Granted	2	5	5	1
Petition for Penalty Relief Denied	3	1	3	6

NOTES: *Includes ONLY the number of calls to the board on the toll-free telephone line

**Includes one PC23 Order

***For ease of understanding the outcome of the probation violation is indicated in the same fiscal year that the probation violation occurred, even though the actual decision may have occurred in a different fiscal year

While the board does not track the total number of inquiries received regarding enforcement issues, during the first year after establishing the toll-free telephone line, almost 2,000 calls were received on this line. The board receives inquiries in writing, email and telephone from a variety of sources.

Enforcement Program Overview

- ➔ **Discuss statistics in enforcement data. What is the source of most of the complaints? Are there some unique reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report any judgments taken against the licensee. Any current problems with board's receiving relevant complaint information or obtaining information for investigation purposes? What are the largest number and type of complaints filed (incompetence, unprofessional conduct, etc.)? Explain which type of cases are being stipulated for settlement. Any significant changes since last review (increases or decreases)?**

Approximately one-half of the complaints received by the board involve allegations of unprofessional conduct. While some of these complaints rise to a level where disciplinary action is warranted, many of these complaints are resolved through telephone discussions and mediation, through written communications to the licensee and through educational letters. Approximately one-quarter of the complaints in this category are regarding Child Custody Evaluations. In order to review or investigate a complaint of this nature, the evaluation itself must be obtained. Courts establish "Rules of Court" regarding these types of evaluations that require consent for release of the evaluation from both parties. Child custody cases result in at least one disgruntled parent, therefore it is often difficult, if not impossible, to obtain both parents' consent for release of the evaluation to the board for review. It is important that psychologists perform Child Custody Evaluations pursuant to the accepted standards in this area of practice. When it is alleged that this does not happen, the board must be able to obtain all records in order to evaluate the case.

Approximately, one-quarter of the complaints received include allegations of gross negligence and incompetence. These complaints are often serious and if a violation is found to have occurred, these cases are referred for formal investigation and possible disciplinary action.

Complaints received regarding non-jurisdictional issues and/or that do not present a violation of the laws or regulations relating to the practice of psychology are closed or referred to the appropriate agency. The complainant is advised that the complaint is non-jurisdictional and it has therefore been referred to an appropriate agency that does have jurisdiction to assist with the issues of the complaint. Alternatively when appropriate, the complainant is advised that the complaint has been closed because it does not present a violation of the Psychology Licensing Law.

Complaints of misrepresentation or false advertising can often be resolved informally through letters of warning, cease and desist orders or educational letters.

Unlicensed practice complaints, when patient harm has been established, are investigated and referred to the District Attorney's Office for criminal prosecution. Anyone may file a complaint against a licensee, registrant, or an unlicensed person who has allegedly violated the Psychology Licensing Law. Consumers may call the board's toll-free number, access the board's Internet website, write or call directly to the board to get information regarding filing a complaint. Consumers may file a complaint on-line, by mail or over the telephone.

The board advises consumers as their complaint progresses through staff review, investigation, expert review, and prosecution. When an Accusation is filed and when a final decision is rendered, a copy of those documents are provided to the consumers.

It is important to note, that while the time frames to process a complaint from receipt to the final disciplinary decision may, at times, seem long, all complaints involving patient harm are priorities and are acted upon as quickly as possible. All complaints are prioritized as indicated in board policy. (Appendix G)

Unique Reporting Requirements

BPC section 800 et seq. requires insurers, (i.e. health care organizations, private companies providing professional liability insurance to licensees, local governmental agencies that self-insure licensees) to report to the board settlements or arbitration awards.

Stipulated Agreements

Complaints that result in disciplinary action are often settled by way of a stipulated agreement prior to a hearing. A stipulated agreement (stipulation) is a legal document that typically contains admissions by the licensee to one or more of the allegations contained in the Accusation. A stipulation is agreed upon by both the board and the licensee, and sets forth the disciplinary order. The discipline is based upon the board's *Disciplinary Guidelines*, (Appendix H) which outline both the minimum and maximum penalties for violations of the *Laws and Regulations Relating to the Practice of Psychology*. Almost any case has the potential of being settled; however, if an agreement cannot be reached between the board and the licensee regarding the appropriate discipline, the case must proceed to hearing. BPC section 2960.1 requires mandatory revocation of a license if a finding is made that the licensee engaged in sexual misconduct with a patient.

- ➡ **Discuss what percentage of complaints are referred for investigation, then to accusation, and end up having some disciplinary action taken. What overall statistics show as to increases or decreases in disciplinary action since last review. [See Table on Next Page]**

During the last review, approximately 32% of complaints received by this board were formally investigated. Approximately 29% of cases investigated were referred to the Office of the Attorney General for consideration of administrative disciplinary action or to the District Attorney's Office for consideration of criminal action. This report finds that approximately 28% of the complaints received by this board were formally investigated

and approximately 29% of the cases investigated were referred to the Office of the Attorney General for administrative disciplinary action or to the District Attorney's Office for criminal action. There has been no significant change since the last review.

NUMBER OF COMPLAINTS DISMISSED, REFERRED FOR INVESTIGATION, TO ACCUSATION AND FOR DISCIPLINARY ACTION				
	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
COMPLAINTS RECEIVED	581	575	701	448
Complaints Closed	489	590	714	435
Referred for Investigation	184	203	140	108
Accusation Filed + S/I	27	33	29	19
Disciplinary Action	21	22	16	17
Note: The number of closed complaints includes cases received in prior fiscal years as cases carry over one or more fiscal years before closure or completion.				

Case Aging Data

- ➔ **Discuss time frames for processing complaints, investigation of cases, from completed investigation to formal charges being filed, and from filing of the accusation to final disposition of the case. Discuss if any changes from last review. [See Table on Page 25]**

Since the board's last review, the overall time it takes to process a complaint from the beginning of the complaint process to the final disciplinary order has been reduced by approximately 22%. Board staff, MBC investigators and Deputy Attorney's General have all contributed to the goal of processing consumer complaints in a manner that is both timely and considerate of the needs of the consumer. Complaint handling continues to be streamlined and improved although budget restrictions and staffing difficulties have made it a challenge.

Prior to July 1, 2003, the board contracted with the MBC for complaint-intake and processing services. Complaint-intake and processing is now directly handled in-house by board staff. This change in process was achieved through the BCP process wherein 1.3 PY was transferred from the MBC to the board. The rationale for this change in process was to decrease the amount of time it takes to process complaints. Unfortunately, a decrease in processing time was not achieved in this past fiscal year. This can be attributed to a steep learning curve in that new systems had to be developed, new personnel had to be trained to perform complaint processing and for much of the year, enforcement staff was cut nearly in half as a result of two staff persons out on maternity leave. Personnel budget restrictions and the hiring freeze would not allow temporary help to be hired and utilized.

An analysis of how complaint processing has changed in recent years bring us to the Internet. Consumers are now able to file complaints directly online. This is quick and convenient for the consumer but unfortunately, it has delayed the processing of most complaints for the following reason: Most complaints received by the board are regarding issues that need to be reviewed by board experts. In order for a board expert to conduct such a review, the patient records and a response from the subject must be obtained. To obtain patient records and/or a subject's response the board needs a

“Release of Medical Records” form that must have an original signature by the patient authorizing the release of records. It is impossible to submit such a signed document over the Internet. Once the complaint is received, board staff currently must send the complainant a release form to be completed and signed and mailed back to the board staff. This delays review of the complaint 2 to 4 weeks. To resolve this dilemma, board staff has revised the board’s website to allow consumers to download the Release of Medical Records form for completion along with instructions to mail in the necessary documents to the board to expedite the review process. It is anticipated that such changes made in the internal complaint review process during this transition period will decrease the overall time it takes to process consumer complaints.

It is important to note that when complaints are received, they are categorized according to alleged violation. If a complainant alleges multiple violations, the most egregious is used as the primary violation in order to effectively categorize the complaint. Sexual misconduct cases are top priority and are sent to investigation immediately upon receipt and review. Unlicensed practice cases are often addressed effectively by cease and desist orders. Gross negligence, incompetence and other such alleged violations are evaluated on a case-by-case basis to determine appropriate priorities. If the alleged violations do not appear to involve patient harm, more information and patient records may be obtained to allow a more thorough evaluation.

The board contracts with the MBC for investigative services. The MBC uses sworn peace officer staff to conduct board investigations. The State’s budget crisis resulted in the loss of several MBC investigator positions and this directly affected the number of psychology investigation cases the MBC could accept for investigation. Although the board sent fewer cases to investigation as a result of the MBC’s loss of investigator positions, the amount of time to perform investigations remained high over the last two years. As a result, board staff focuses more time to gather complaint-related documentation before sending a case to investigation. In certain circumstances, board staff may gather all necessary documents and then transmit cases directly to the Attorney General’s Office for prosecution, bypassing formal investigation entirely. Board staff has learned to effectively use information gathered to educate, issue cease and desist orders, and citations and fines to resolve complaints that would not require formal disciplinary action to accomplish public protection in the normal course of events.

Expert Reviewers

The board utilizes the expertise of approximately 70 expert psychologists statewide to evaluate enforcement cases for quality of care issues and to determine if alleged activities constitute the unlicensed practice of psychology, thereby requiring licensure or registration. If a case goes to hearing, the expert witness is required to testify as to the accepted standards of care as set forth in the *Ethical Principles and Code of Conduct* published by the APA. The standards are mandated to be applied to board activities by BPC section 2936.

Specific criteria to select expert reviewers have been adopted by the board. These criteria include:

- certified expertise which directly relates to alleged violations;

- no pending or past disciplinary action or criminal probation;
- licensed at the time the alleged violation occurred;
- forensic experience;

Psychologists must document their education, training and experience in order to serve in the capacity of an expert. In addition, expert reviewers are required to attend annual board-sponsored training sessions. A copy of the board's expert criteria is included as (Appendix I).

AVERAGE DAYS TO PROCESS COMPLAINTS, INVESTIGATE AND PROSECUTE CASES				
	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Complaint Processing	87	94	106	132
Investigations	185	160	200	190
Pre-Accusation*	191	180	266	59
Post-Accusation**	240	214	303	331
TOTAL AVERAGE DAYS***	880	950	810	938
*From completed investigation to formal charges being filed. **From formal charges filed to conclusion of disciplinary case. ***From date complaint received to date of final disposition of disciplinary case: The numbers reflected here are not the sum of the column because the disciplinary cases finalized in the fiscal year may or may not be the same as the complaints or accusations filed in that same year				

➡ **Discuss time frames for closing of investigations and AG cases over past four years, and average percentage of cases taking over 2 to 4+ years, and any decreases or increases in the percentage of cases being closed each year. Discuss any changes from last review. [See Table on Next Page]**

Over the last four years, 81% of investigations have been closed within the first year of investigation. During the last review period (93/94 – 96/97) 60% of investigations were closed within the first year. Over the last four years, no board investigation has remained open longer than three years.

Over the last four years, 57% of Attorney General cases have been closed within the first year. During the last review period (93/94 - 96/97) only 31% of Attorney General cases were closed within the first year. Currently, there are no cases at the Attorney General's office over four years old.

The table below represents closed investigations and closed Attorney General Cases. Closed investigations not only include those cases closed with no further action taken, but cases closed and referred for disciplinary action and/or criminal action. The number of Attorney General cases closed each year has dropped by approximately 41%.

INVESTIGATIONS CLOSED WITHIN:	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04	AVERAGE % CASES CLOSED
90 Days	82	94	80	48	46%
180 Days	19	20	12	13	10%
1 Year	26	41	70	29	25%
2 Years	38	28	35	18	18%
3 Years	5	2	1	2	1%
Over 3 Years	0	0	0	0	0%
Total Cases Closed	170	185	198	110	

AG CASES CLOSED WITHIN:	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04	AVERAGE % CASES CLOSED
1 Year	13	22	26	16	57%
2 Years	9	14	11	13	35%
3 Years	1	1	2	5	6%
4 Years	1	1	1	0	2%
Over 4 Years	0	0	0	0	0%
Total Cases Closed	24	38	40	34	
Disciplinary Cases Pending	39	41	41	36	

Cite and Fine Program

- ➡ **Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and last time regulations were updated. [See Table on Next Page]**

A citation and fine order is an alternative means by which the board can take an enforcement action against a licensed or unlicensed individual who is found to be in violation of the Psychology Licensing Law. The citation and fine program increases the effectiveness of the board's disciplinary process by providing a method to more effectively address relatively minor violations that would not warrant more serious license discipline in order to protect the public. Citation and fine orders are not formal disciplinary actions, but they are matters of public record. A list of violations and the range of fines associated with each are listed in the CCR, Title 16, section 1397.50.

The board's citation and fine program began on April 4, 1996 and was used infrequently that first year. On April 12, 1997, the board was granted the authority to issue citations and fines for failing to comply with continuing education (CE) requirements.

The board uses its citation and fine authority primarily to encourage licensees to comply with CE requirements. When a citation and fine order is issued the licensee can not practice until the CE requirements are fulfilled. The recent reduction in the number of citation and fine orders issued, coupled with the reduced number of those licensees who are non compliant with the CE requirements indicates that the citation and fine program has contributed to more licensees remaining compliant with the CE requirements.

Typically, one to three citation and fine orders a year are issued for violations not related to CE requirements. Those such orders are often issued due to failure to

provide medical records as required by law, the unlicensed practice of psychology, or the aiding and abetting the unlicensed practice of psychology.

CITATIONS AND FINES	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Citations	45	53	60	36
Total Citations With Fines	45	53	60	36
Amount Assessed	\$5,400	\$5,200	\$12,550	\$12,500
Reduced, Withdrawn, Dismissed	\$2,150	\$400	\$300	\$1,400
Amount Collected	\$3,400	\$2,900	\$8,350	\$7,700

Diversion Program (If Applicable)

- ➔ **Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes.**

In 1992, after consideration of the issue of diversion of impaired licensees in lieu of discipline, the board adopted a policy (Appendix J) stating its position as follows: Allowing impaired licensees and registrants entry into a diversion program in lieu of appropriate public license discipline conflicts with the board's mandate to protect the public. If an impaired licensee is allowed to continue to practice, placing that licensee on probation with appropriate terms and conditions allows consumers to make an informed choice in their selection of a licensee. The board supports the concept of colleague assistance programs overseen by professional associations and other private-sector rehabilitation programs.

Results of Complainant Satisfaction Survey

- ➔ **Discuss the results of the Survey. [See Table on Next Page]**

As part of this review process, the Joint Legislative Sunset Review Committee (JLSRC) required the board to distribute a complainant satisfaction survey to a sampling of complainants who had submitted complaints to the board over the last four fiscal years. To comply with this requirement, this survey was mailed out on April 2, 2004.

Sending a consumer satisfaction survey out to prior complainants concerns the board. It takes a lot of strengths for a consumer of psychological services to file a complaint against their psychologist. The complaint process often becomes a part of their healing and often enables them to put the incident behind them. Receiving a satisfaction survey from the board regarding the complaint process has proven painful to many of those contacted. For future reviews, the JLSRC may want to reconsider the merits of sending a satisfaction survey to consumers of psychological services versus the harm that such a survey may be inadvertently causing.

The results of the survey, however, were rather positive. More than half of those who returned the survey were satisfied with the overall contact with the board. Staff, investigators, and deputy attorneys' general make a considerable effort to explain each and every step of the complaint process to consumers. The outcome of complaints, whether they result in closure or discipline, is explained to the complainant in an attempt

to help the consumer reach closure with the issues in the complaint. It was clear, however, that many of those surveyed were upset about receiving the survey and made negative comments. Those who had more recently filed their complaints had positive comments with some thanking the board for its effort to assist.

The survey demonstrates that over the past four years, the board has achieved increasingly improved consumer satisfaction. Recently, the board has taken steps to increase consumer awareness of where to file a complaint. BPC section 2936 requires licensees to post a notice in their office to inform consumers of how to file a complaint. In January 2004, the board designed such a notice and included this prototype in its newsletter, the BOP Update. The BOP Update is distributed to all licensees and registrants. Additionally, the notice is available for download from the board's website and is also sent to all newly licensed psychologists.

CONSUMER SATISFACTION SURVEY RESULTS*				
QUESTIONS	Percent Satisfied by Calendar Year			
# Surveys Mailed: 255 # Surveys Returned: 89	2000	2001	2002	2003
1. Were you satisfied with knowing where to file a complaint and whom to contact?	80%	96%	88%	78%
2. When you initially contacted the Board, were you satisfied with the way you were treated and how your complaint was handled?	67%	60%	69%	86%
3. Were you satisfied with the information and advice you received on the handling of your complaint and any further action the Board would take?	29%	44%	54%	57%
4. Were you satisfied with the way the Board kept you informed about the status of your complaint?	33%	46%	52%	57%
5. Were you satisfied with the time it took to process your complaint and to investigate, settle, or prosecute your case?	33%	44%	52%	50%
6. Were you satisfied with the final outcome of your case?	21%	30%	35%	35%
7. Were you satisfied with the overall service provided by the Board?	43%	46%	38%	56%
<p>*All boards and committees under review this year shall conduct a consumer satisfaction survey to determine the public's views on certain case handling parameters. (The Department of Consumer Affairs currently performs a similar review for all of its bureaus.)</p> <p>A list of seven questions have been provided. Each board or committee shall take a random sampling of closed complaints and disciplinary actions for a <u>four year period</u>. Consumers who filed complaints should be asked to review the questions and respond to a 5-point grading scale (i.e., 5, 4, 3 =satisfied to 1, 2 =dissatisfied). The board or committee shall provide the percent of satisfaction for each of the past four years.</p>				

ENFORCEMENT EXPENDITURES AND COST RECOVERY

Average Costs for Disciplinary Cases

- ➡ **Discuss the average costs incurred by the board for the investigation and prosecution of cases, and which type of cases average more than others. Explain if the board is having any difficulty in budgeting for Prosecution and Hearing costs, and whether cases may have been delayed because of cost overruns. [See Table Below]**

The costs of investigation and prosecution of cases varies greatly from case to case. Cases that involve allegations that will most likely result in a long probation with severe restrictions or the revocation of a license are often the most contentious and are therefore the most costly. Costs can increase as the board protects the public and the licensee fights to retain his/her license. Fortunately, this board is able to make decisions regarding how best to expend its resources while maintaining a sufficient and solid enforcement budget. The board has not delayed prosecuting any cases due to lack of funds and the board has always managed to successfully discipline licensees as warranted.

Investigators and prosecutors for the board are allotted 40 hours each per case for preparation. If more hours are needed, approval must be obtained from board staff. This ensures that funds are spent on cases that are necessary for public protection.

AVERAGE COST PER CASE INVESTIGATED	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Cost of Investigation & Experts	\$297,825	\$333,172	\$360,904	263,211
Number of Cases Closed	173	185	198	110
Average Cost Per Case	\$1,722	\$1,801	\$1,823	2,393
AVERAGE COST PER CASE REFERRED TO AG	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Cost of Prosecution & Hearings	\$393,635	\$458,456	\$552,839	428,626
Number of Cases Referred	44	47	41	31
Average Cost Per Case	\$8,946	\$9,754	\$13,484	15,569
AVERAGE COST PER DISCIPLINARY CASE	\$10,668	\$11,555	\$15,307	17,962
Average costs per case are not representative of the actual costs for cases referred or closed for the fiscal years as cases carry over one or more fiscal years before closure or completion.				

Cost Recovery Efforts

- ➡ **Discuss the board's efforts in obtaining cost recovery. Discuss any changes from the last review. [See Table on Next Page]**

All Accusations filed by the board cite BPC section 125.3, which is the board's authority to seek cost recovery. The board seeks cost recovery in every case although Administrative Law Judges often reduce, or eliminate entirely, the amount of cost recovery payable to the board. Frequently, the board reduces the actual cost recovery

amount due as an incentive to settle a case prior to a hearing, as hearings cause expenses to the board that cannot be recovered.

In addition to cost recovery, the board orders all of its probationers to pay for the costs associated with probation monitoring pursuant to BPC section 2964.6

COST RECOVERY DATA	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Enforcement Expenditures*	\$691,460	\$716,486	\$778,566	\$612,010
# Potential Cases for Recovery**	18	24	14	21
# Cases Recovery Ordered	16	17	9	16
Amount of Cost Recovery Ordered	\$87,039	\$82,028	\$40,477	\$122,877
Amount Collected	\$52,761	\$95,037	\$65,340	\$ 32,882
<p>* The "Total Enforcement Expenditures" include only Attorney General expenditures, Evidence/Witness Fee expenditures, and Investigation cost expenditures, which are costs that have the potential to be recovered through cost recovery.</p> <p>**The "Potential Cases for Recovery" are those cases in which disciplinary action has been taken against a licensee based on a violation, or violations, of the Psychology Practice Act.</p>				

RESTITUTION PROVIDED TO CONSUMERS

- ➔ **Discuss the board's efforts in obtaining restitution for the individual complainant, and whether they have any formal restitution program and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Discuss any changes from last review.**

Restitution is a very complex concept to integrate into the framework of the administrative disciplinary process. The primary mandated responsibility of the regulatory board is to protect the public from incompetent and negligent licensees. License disciplinary orders must reflect and accomplish this public protection mandate. If during the disciplinary process the opportunity arises to obtain restitution for the victim(s) in the matter, the board will seize the opportunity if possible. However, public protection must always be the ultimate focus of a disciplinary action with issues such as restitution and cost recovery remaining secondary goals. With regard to restitution, there is no specific statute providing the board with the authority to mandate restitution. There are other avenues more appropriate for consumers to pursue restitution such as in Small Claims Court and in the Civil Courts. Since the prior review, the board has not obtained restitution in any disciplinary case.

COMPLAINT DISCLOSURE POLICY

- ➔ **Briefly describe the board's complaint disclosure policy. At what point in the disciplinary process is information made available to the public concerning the licensee and what type of information is made available? Does the board have problems obtaining particular types of information? [See Table on Next Page]**

The first piece of public information in the board's enforcement process is the Accusation. The board's complaint disclosure policy (Appendix K) reflects this fact. Board staff has been involved in many discussions with the DCA on this issue in recent years. We are awaiting further guidance from the DCA as to the release of pending

complaint information and the conditions under which this may need to be considered. Once guidance is received from DCA, the board may consider amending its complaint disclosure policy through the rulemaking process to allow release of pending complaint information in that very rare occasion where the board's executive officer determines that one or more of the following circumstances exists:

1. The complaint is serious and disclosure could provide protection to the public;
2. The complaint is part of a pattern of complaints and their disclosure may protect the consumer and/or prevent additional harm to the public;
3. The complaint has been referred to the Office of the Attorney General for formal disciplinary action, but the charging document has yet to be filed;
4. The complaint has been referred to another law enforcement entity for prosecution.

If the board considers updating its disclosure policy to include the above concepts, it can only do so with the guidance from DCA and support from the Office of the Attorney General.

TYPE OF INFORMATION PROVIDED	YES	NO
Complaint Filed		X
Citation	X	
Fine	X	
Letter of Reprimand	X	
Pending Investigation		X
Investigation Completed		X
Arbitration Decision		N/A
Referred to AG: Pre-Accusation		X
Referred to AG: Post-Accusation	X	
Settlement Decision	X	
Disciplinary Action Taken	X	
Civil Judgment	X	
Malpractice Decision	X	
Criminal Violation: Felony Misdemeanor		X

CONSUMER OUTREACH, EDUCATION AND USE OF THE INTERNET

- ➡ **Discuss what methods are used by the board to provide consumer outreach and education.**

The primary source of consumer outreach, education and information is through the board's website, the board's newsletter, the *BOP Update*, and through the consumer pamphlets produced by the board.

- ➡ **Discuss whether the board offers online information to consumers about the activities of the board, where and how to file complaints, and information about licensees, or believes it is feasible/appropriate to do so.**

The board's website provides a "Consumer Information" section which includes direct links to the online consumer complaint form, license verification, board actions, a patient bill of rights, an online Customer Service Evaluation form, and other information that may prove useful to consumers. The board posts notices to consumers through this page of the site and posts press releases that are issued regarding license disciplinary cases.

In addition, consumers can be assured that the board makes information available to licensees in an effort to keep them apprised of changing standards, laws, regulations, and other issues related to the practice of psychology.

The ability to file a complaint online is a feature of the board's website that has proven to be very well received by consumers. The ability to verify a license online has increased consumers' ability to ensure that a person they choose to consult with is currently licensed as a psychologist.

➡ **Discuss whether the board conducts online business with consumers/licensees, or believes it is feasible/appropriate to do so.**

The board offers online complaint filing and license verification for consumers. For licensees, the board has been a participant in the DCA's online licensing pilot program. Since December 2001, the board has offered licensees the ability to renew a license online with a credit card; the ability to change an address online; and the ability to apply for license and pay application and examination fees online. This feature has proven to be very popular with the public.

➡ **Discuss whether the board offers online license information and applications (initial and renewal licenses, address changes, etc.), or believes it is feasible/appropriate to do so.**

Since April 2000, the board has offered online licensing information through the "License Verification" feature of the website. The board offers all application forms on its website available for download. Additionally, applicants for licensure as a psychologist can apply online and licensees can renew their licenses online. Address changes can be accomplished through the online licensing feature or they can be accomplished simply by sending the board an email with the address change request.

➡ **Discuss whether the board offers online testing/examination services for both initial and renewal licenses, or believes it is feasible/ appropriate to do so.**

Both psychology licensing examinations required in California are computer administered examinations. The national EPPP which is required in all states and Canadian provinces was converted to computer administration in April 2001. Now applicants can make their own arrangements to take the EPPP on a day, time and place of their choosing. This convenience has removed much of the examination stress inherent in the massive paper and pencil administration that previously occurred on only two days each year.

Similarly, the CJPEE is a computer administered examination and candidates can make their own arrangements on a day, time and place of their choosing.

➡ **What streamlining of administrative functions would be necessary if the above services and information was provided via the Internet?**

A clarification needs to be stated at this point. That is, the public can apply for psychology licensure online at the board's website. Additionally, applicants can pay their fees using a credit card and apply online. Those already licensed can pay their renewal and duplicate license fees online with a credit card. Those approved to take the board's licensing examinations can go online and schedule their examination. The licensing examinations are indeed computer administered; however, they are not administered online. For several reasons, examination security in particular, licensing examinations cannot be offered online. They can be delivered and administered by computer at specific examination sites such as we do with both the EPPP and with the CJPEE.

Use of online technology as described above has proven to be very efficient in that it allows applicants and licensees to control their own processes and it results in workload efficiencies. These efficiencies were accomplished at the board level within existing resources. The DCA may have experienced some start up investment in streamlining and adapting the administrative services it provides to the board in order to enable the implementation of online technology as described above. Those details would need to be obtained from the DCA.

➡ **Please describe if there are other ways use of the Internet by the board could improve services to consumers/licensees.**

Any application of the technology offered by the Internet should continue to be explored and piloted. The public demands the convenience of being able to conduct business from their computer. As previously explained, the board has taken advantage of every opportunity that has risen to apply use of technology to increase the convenience for those consumers and other members of the public who seek assistance from the board. The online licensure project, of which the board is a participant, needs to be refined and its uses expanded to other services and to all boards and bureaus within DCA.

➡ **Discuss what types of practices are increasingly occurring outside California's traditional "marketplaces" that fall under the jurisdiction of your board.**

Not all licensed psychologists are engaged in the delivery of mental health services. Psychologists also work in industries providing services such as management consulting, employee motivation and design of flight instrument configuration in aircraft, for example. Such psychologists are called "Industrial/Organizational" psychologists, and there is a growing demand for their services. Being psychologists licensed by this board, they are held to the same standards as those licensees who are engaged in the delivery of mental health services.

- ➔ **Discuss what type of challenges the board faces with respect to online advice “practice without presence,” privacy, targeted marketing, and other issues.**

BPC section 2936 recognizes the Ethical Principles and Code of Conduct established by the APA as the accepted standard of care for the practice of psychology. The same standards of care would apply regardless of the delivery method of the psychological services. If a consumer complaint were to be filed against a California licensed psychologist providing “Internet therapy,” the matter would be reviewed by a board expert pursuant to the APA standards just as with any other consumer complaint. If an expert were to find that the practice departed from the standard of care, the matter would be pursued accordingly.

- ➔ **Discuss whether the board has any plans to regulate Internet business practices or believes there is a need to do so.**

Based on numbers of consumer complaints received, it does not appear that there are any trends indicating psychologists are practicing on the Internet to any significant degree. More frequently, we might see that a psychologist has set up a website to serve as an introduction to him/herself and the professional services offered, but this would be considered more of an advertisement than “practice.”

If a California-licensed psychologist was providing psychological services via the Internet to a California consumer, the psychologist would be held to the same legal and ethical standards as a psychologist practicing face-to-face therapy. If the California psychologist were treating a consumer in some other jurisdiction, unless the psychologist was also licensed in that jurisdiction, it could be considered the unlicensed practice of psychology by that jurisdiction.

To assist consumers and licensees with the mysteries of Internet practices, the board has posted the following two notices on its website:

I. Alert to Consumers, Licensees, Registrants and Applicants: Telemedicine Informed Consent

“For California health care practitioners, BPC section 2290.5 addresses the issue of informed consent in telemedicine. This law defines “telemedicine” as being “the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications.” This section of law states that “neither a telephone conversation nor an electronic mail message between a health care practitioner and patient constitutes “telemedicine” for purposes of this section.” This law further defines “health care practitioner” as a physician and surgeon, podiatrist, clinical psychologist, marriage and family therapist, clinical social worker, or dentist.

Specifically, this law requires the health care practitioner to provide the patient or his/her representative with verbal and written informed consent prior to the delivery of health care services via telemedicine. This mandated informed consent procedure must include all of the following:

"(1) The patient or the patient's legal representative retains the option to withhold or withdraw consent at any time without affecting the right to future care or treatment nor risking the loss or withdrawal of any program benefits to which the patient or the patient's legal representative would otherwise be entitled.

(2) A description of the potential risks, consequences, and benefits of telemedicine.

(3) All existing confidentiality protections apply.

(4) All existing laws regarding patient access to medical information and copies of medical records apply.

(5) Dissemination of any patient identifiable images or information from the telemedicine interaction to researchers or other entities shall not occur without the consent of the patient."

This law requires that the patient or the patient representative signs a written statement prior to the delivery of health care via telemedicine, indicating that the patient or the patient's legal representative understands the written information provided in 1 through 5 above and that this information has been discussed with the health care practitioner or his/her designee.

Legislation passed in 2003 (AB 116 – Nakano) added section 2904.5 to the Psychology Licensing Law. This section affirms that a psychologist is indeed a health care practitioner subject to the provisions of section 2290.5 of the Medical Practice Act."

II. Information on Telepsychology

"From time to time the board becomes aware of articles or information that would be educational and informative to licensed psychologists and the consumers of psychological services. In such cases, the board will attempt to bring this information to licensees and consumers, provided the necessary authorizations for publication can be obtained. In the posting of any information on its website, the board will maintain sole discretion as to what information is posted.

The following information regarding telepsychology has been excerpted with the permission of the primary author from "Regulation of Telepsychology: A Survey of State Attorneys General" by Gerry Koocher & Elisabeth Morray. Professional Psychology: Research and Practice, October, 2000, vol. 31, issue #5, pages 503-508. In light of the survey data obtained in this research, the authors offer the following regarding telepsychology:

- 1. Before engaging in the remote delivery of mental health services via electronic means, practitioners should carefully assess their competence to offer the particular services and consider the limitations of efficacy and effectiveness that may be a function of remote delivery.*
- 2. Practitioners should consult with their professional liability insurance carrier to ascertain whether the planned services will be covered. Ideally, a written confirmation from a representative of the carrier should be obtained.*

3. *Practitioners are advised to seek consultation from colleagues and to provide all clients with clear written guidelines regarding planned emergency practices (e.g., suicide risk situations).*
4. *Because no uniform standards of practice exist at this time, thoughtful written plans that reflect careful consultation with colleagues may suffice to document thoughtful professionalism in the event of an adverse incident.*
5. *A careful statement on limitations of confidentiality should be developed and provided to clients at the start of the professional relationship. The statement should inform clients of the standard limitations (e.g., child abuse reporting mandates), any state-specific requirements, and cautions about privacy problems with broadcast conversations (e.g., overheard wireless phone conversations or captured Internet transmissions).*
6. *Clinicians should thoroughly inform clients of what they can expect in terms of services offered, unavailable services (e.g., emergency or psychopharmacology coverage), access to the practitioner, emergency coverage, and similar issues.*
7. *If third parties are billed for services offered via electronic means, practitioners must clearly indicate that fact on billing forms. If a third-party payer who is unsupportive of electronic service delivery is wrongly led to believe that the services took place in vivo as opposed to on-line, fraud charges may ultimately be filed.*

The board will regulate Internet practice to the degree that such practices are within the board's authority to regulate. To a large degree, the Internet is not an environment that can be effectively regulated. The most effective form of consumer protection on the Internet that regulatory boards can encourage is to educate consumers that the Internet is a "buyer beware" environment and to always exercise caution and common sense when purchasing a service on the Internet whether that service is one of design and construction, fiduciary or the provision of mental health services."